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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of)	
)	Administrative Action
)	
Salvatore Napoli, MD, DDS)	
License No. DI 14566)	REINSTATEMENT ORDER
)	
Licensed to Practice Dentistry))	
in the State of New Jersey)	
<hr/>)	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Salvatore Napoli, M.D. D.D.S., ("respondent") for the reinstatement of his New Jersey dental license. Respondent additionally holds a license to practice medicine and surgery in the State of New Jersey.

Respondent has had a history of drug use since 1989. He has received inpatient and outpatient treatment, had periods of recovery and relapse and been involved in the Physicians' Health Program (PHP) in New Jersey. In May, 1996 respondent relapsed, reentered treatment and voluntarily ceased practicing. At that time, the Medical Board was contacted and a Consent Order was

entered on September 18, 1996 imposing certain restrictions on respondent's plenary license including attendance at support meetings, urine monitoring, participation in aftercare programs, and participation in the PHP program.

On February 20, 1997, the PHP reported a urine test result collected on January 30, 1997 which was positive for Fentanyl and alcohol. On March 5, 1997 respondent voluntarily surrendered his dental license and on March 12, 1997, his medical license was voluntarily surrendered as well.

Respondent sought reinstatement of his medical license and appeared before a committee of the Medical Board on November 25, 1998 and March 24, 1999. Respondent's medical license was reinstated with restrictions. Pursuant to the terms of the Reinstatement Order respondent could perform insurance examinations, work as a house physician in a hospital, enter a residency program, work as a staff member at an urgi-care center, or participate in a group practice in a primary care capacity. Any position would have to be approved by the Board and an individual within the practice setting would have to be identified to report to the Board. The Order also required monitoring by the PHP, random urine monitoring and attendance at support groups. Finally, the Medical Board Order made it clear that respondent's fitness to practice dentistry in New Jersey had not been assessed and that his licensure status as a dentist had not been effected by the terms of that Order.

Respondent subsequently applied for reinstatement of his dental license. Following review of the documents and testimony provided in connection with respondent's application for reinstatement, including materials presented to the Medical Board in the context of respondent's application for reinstatement before that Board, and the Dental Board having determined that the restrictions imposed by this Order are adequately protective of the public health, safety and welfare and that good cause exists for entry of this order:

IT IS ON THIS 13th DAY OF APRIL, 2000,

HEREBY ORDERED THAT:

1. The license of Salvatore Napoli, MD, DDS, (dental license # DI 14566) to practice dentistry in the State of New Jersey shall be and is hereby immediately reinstated subject to the restrictions set forth herein.

2. Nothing contained in this Order shall in any way be construed to pass upon the respondent's fitness to practice medicine in the State of New Jersey, and any and all applications by the respondent to change his status as a physician shall be taken up exclusively with the State Board of Medical Examiners.

3. Respondent shall have his urine monitored by the Physicians Health Program. The monitoring shall occur twice a week and shall be random and unannounced and shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designed by the PHP.

All test results shall be provided to Agnes Clarke, Executive Director of the Board, or her designee in the event she is unavailable, following each test. Any positive test result shall be reported within 24 hours.

The Board also will retain discretion along with the Medical Board to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes Clarke or her designee and Louis Baxter, M.D., Medical Director of the PHP. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or

provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may modify the frequency of testing or method of testing during the monitoring period as long as the frequency of testing is not less than that required by the Medical Board and the method of testing is not inconsistent with the terms of the Medical Board Reinstatement Order.

Respondent shall be responsible for any and all costs associated with the urine monitoring program.

4. If any urine test results reveal a low creatinine and low specific gravity, it shall be within the discretion of the Board to direct the collection of a hair sample from respondent for further testing. Respondent shall be responsible for any and all costs associated with the hair sample test.

5. Respondent shall attend NA or AA meetings at a frequency of no less than three times per week, continue therapy with a psychiatric social worker, and meet with a member of the PHP no less than once every two months. Respondent shall provide evidence of attendance at such groups or with such individuals directly to the Board on a quarterly basis. If respondent discontinues attendance at meetings without obtaining approval of the Board, he shall be deemed in violation of this Order.

6. Respondent shall not prescribe controlled dangerous substances for his personal use nor shall he possess such substances for his personal use except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. He shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication and confirming that the practitioner was advised in advance of the history of substance abuse. Such report shall be provided to the Board no later than 2 days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall be permitted to prescribe controlled dangerous substances for patients as required in connection with dental treatment or administer medication to patients in the course of dental treatment, in accordance with the following terms and conditions:

a) Respondent shall use sequentially numbered, triplicate prescription pads for all prescriptions written.

b) Respondent shall provide the original prescription to the patient, attach one copy of the prescription to the patient record, and submit the third copy to the Board, attention Agnes M.

Clarke, Executive Director, on a monthly basis no later than the fifth day of each month for all prescriptions written in the previous month. The first submission shall be due no later than May 5, 2000 for all prescriptions written in April, 2000 starting on the entry date of this Order.

c) Respondent shall be required to account for each consecutive number, regardless of whether the particular prescription was voided or not used for any purpose whatsoever.

d) All controlled dangerous substances maintained in the office in which respondent is employed shall be maintained in a locked cabinet, to which respondent shall not have access, and provided to respondent upon his orders for use with a particular patient by a licensed dentist, dental hygienist, or registered dental assistant who shall then witness the administration of the medication by respondent pursuant to the provisions of paragraph 7 (e) and (f) below.

e) The licensed dentist, dental hygienist or registered dental assistant witnessing the administration of the controlled dangerous substance shall initial the patient treatment note entered in the chart indicating the medication and dosage given.

f) In the event that respondent wastes any medication from a pre-measured syringe prior to administering that medication to a patient, he shall make a separate entry in the treatment record noting the medication, the amount administered and the amount wasted. The licensed dentist, dental hygienist, or

registered dental assistant witnessing the administration of medication shall also initial this treatment note.

8. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined herein, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced April 1, 2000.

9. Respondent shall provide a copy of this Order to any licensed dentist, dental hygienist or registered dental assistant in any office in which he works.

10. Upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions of this Order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse, respondent's license to practice dentistry shall be temporarily suspended pending a hearing before the Board or a committee of the Board, within ten days, which hearing shall be limited to the issue of the violation found. Any confirmed positive urine shall be presumed valid, and respondent has the burden of demonstrating that the results were not valid or that the chain of custody was breached. If after the hearing the Board

finds this order has been violated, respondent, consents to the revocation of his license.

11. Respondent may apply for modification of the terms and conditions of this Order no sooner than two years from the entry date herein. Until such time as the Board issues an order modifying the terms and conditions contained herein, all restrictions imposed on respondent's license to practice dentistry in the State of New Jersey shall remain in full force and effect.

New Jersey Board of Dentistry

By: Henry Finger DDS
Henry Finger, D.D.S.
President